

From: [Gary Moore](#)
To: [Stephen Halasz](#)
Subject: Re: Falcon Refinery
Date: 03/10/2010 01:57 PM
Attachments: [Moran Ltr 2-16-10.pdf](#)

Stephen:

How do you interpret the letter?

Also, it is my impression that the letter of credits are accessed by default meaning that NORCO says they don't have the resources to continue thereby defaulting on the AOCs. I don't know how EPA could then cash-in the letters of credit and give the money back to NORCO to spend. I would love for you guys to complete the remainder of the removal portion of the project because of your familiarity with the site and the status of the cleanup. Don't bet on this unless NORCO gets involved and negotiates something.

For instance, NORCO could possibly propose that its owner would place \$1,250,000 in a bank for the activities you describe and cancel the letter of credits. The extra \$250,000 for EPA allowing him to cancel the letters of credit. This would be on the condition that you guys do the work in accordance with your plan. I am not sure this will not work either but it may be worth a try. Anything remaining would go to EPA for any further work or to reimburse trustees. You would have to sign your estimate with blood. This is just me thinking.

The question is why get so close to completion and then quit.

Thanks

Gary Moore
EPA Region 6
Response and Prevention Branch
214-665-6609
moore.gary@epa.gov
▼ [Re: Falcon Refinery](#)

Re: Falcon Refinery 

Gary
Moore to: Stephen Halasz

03/09/2010
04:17 PM

See attached



9566868



Moran Ltr 2-16-10.pdf

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▼ Re: Falcon Refinery

Re: Falcon Refinery

Stephen
Halasz to: Gary Moore

03/09/2010
03:55 PM

Gary,

NORCO is not throwing up their hands, they are requesting to use the letter of credit funds to complete the cleanup, they provided that in a letter to Gloria.

Before any final decisions are made at your team meeting please allow Mr. Bergner an opportunity to discuss the recommendation of the team.

Stephen Halasz, P.G.
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>>> <Moore.Gary@epamail.epa.gov> 3/9/2010 3:48 PM >>>

Stephen:

The letter we got from Mr. Bergner appeared to indicate they were throwing up their hands. I will find out more on Wednesday when our

team meets to discuss the road forward. I am certainly not the expert but looking at the wastes they sure look like they would be K052 and K169. The K169 is listed for benzene and you would have to show nondetect for benzene to get it out of the K169 listing. In addition, it appears to me that it would have to be incinerated. See the attached.

Gary Moore
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Re: Falcon Refinery

Stephen Halasz

to: Gary Moore

03/09/2010 03:27 PM

Gary,

We were planning on separating the waste that's left in the tanks using frac tanks and separators. Texas Molecular takes in all the clear liquid waste as haz waste and always has. The solids will be classified after the removal of the clear liquids and taken to US Ecology, which is an approved haz waste facility and the waste will be solidified or treated.

We were planning on using this procedure on all tanks with waste. I've included the bids from the subcontractor. Please contact me if you have any further questions.

I called you yesterday and left a message, is there a chance that NORCO can use their \$1 million letter of credit funds to finish the cleanup?

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>>> <Moore.Gary@epamail.epa.gov> 3/9/2010 3:07 PM >>>

Stephen:

It appears that you were planning on disposing of the waste from all tanks except Tank 7 as non-hazardous. Just looking at it, without knowing anything else, it would appear that they would be disposed of as the following:

Tanks 7: K052

Tanks 10, 26, and 27: K169

Is there a reason you did not consider Tank 10, 26, and 27 as hazardous waste?

Thanks

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[attachment "Tank cleanout.xls" deleted by Gary Moore/R6/USEPA/US]

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